

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
5:13-MJ-1161-JG-1

UNITED STATES OF AMERICA)	Charging District No. 6:12CR60021-002
)	(W.D. Ark.)
v.)	
)	
AUDREY SOLOMON,)	DECISION ON ADDITION OF
)	CONDITIONS OF RELEASE PENDING
)	SENTENCING
Defendant.)	


Defendant was arrested in this district on or about 15 February 2013 pursuant to a motion for revocation of her release pending sentencing in the charging district, the United States District Court for the Western District of Arkansas. (*See* D.E. 1). She resides in and is being supervised in this district. She had her initial appearance in this court on 19 February 2013. (*See* D.E. 1, 4). The case came before the court today for a hearing on the government's oral motion, made at the initial appearance (*see* Minute Entry after D.E. 4), for defendant's detention pending further proceedings in the Western District of Arkansas. The court denied the motion and imposed additional conditions of release pending defendant's sentencing, pursuant to Fed. R. Crim. P. 40(c) (*see* D.E. 8). The purpose of this decision is to memorialize in writing the reasons for the denial of the detention motion and imposition of the additional conditions, as required by Rule 40(c).

The record developed before the court established by clear and convincing evidence that, with the addition of the conditions it has imposed, defendant is not likely to flee or pose a danger to any other person or the community pending her sentencing and that there are exceptional reasons why defendant's detention would not be appropriate. The alleged violation underlying the motion for revocation is a positive test for marijuana on 23 January 2013. Defendant subsequently admitted to using marijuana on 8 and 9 January 2013. At the time she was placed

on release, on 5 September 2012, she also tested positive for marijuana, although the use preceded entry of the release order. Aside from this one alleged violation, the probation officer supervising defendant testified that she has been compliant with the conditions of release since he began supervising her on 10 September 2012. The court does note, though, that the Arkansas court apparently emphasized to defendant at the time of release that she needed to strictly comply with the conditions of release.

The additional conditions the court has imposed are: participation in substance abuse therapy and counselling if deemed advisable by the Probation Office, placement of defendant in the custody of a strong third-party custodian, and imposition of a curfew with electronic monitoring (the hours of the curfew to be determined by the Probation Office). (*See* D.E. 8). These measures should help alleviate defendant's apparent substance abuse problem, limit her opportunities to engage in violative conduct (*e.g.*, obtaining and smoking marijuana), facilitate supervision of defendant by the Probation Office, help deter her from further violations, and help ensure her appearance in the Western District of Arkansas as required.

This 22nd day of February 2013.



James E. Gates
United States Magistrate Judge